LEGISLATIVE COUNCIL

Thursday, October 11, 1973

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, intimated his assent to the following Bills:

Appropriation (No. 2),
Physiotherapists Act Amendment,
Prices Act Amendment,
Underground Waters Preservation Act Amendment.

QUESTIONS

MINING LEASES

The Hon. R. C. DeGARIS: I seek leave to make an explanation before asking a question of the Chief Secretary, representing the Minister of Development and Mines.

Leave granted.

The Hon. R. C. DeGARIS: My question relates to a gentleman who approached me claiming that, before any person may pump water from a bore, under the Mining Act it is necessary for him to have a mining lease. His point is that, if one is putting a hole in the ground and removing water (a mineral) from the ground, one cannot legally use that water unless he has a mining lease. Will the Chief Secretary have this matter examined and, if the position is as I have stated it, will he see whether the Act can be amended to ensure that water is not looked on as a mineral, making it necessary for a person to have a mining lease before he can pump water from a bore?

The Hon. A. F. KNEEBONE: Yes.

LOCAL GOVERNMENT

The Hon. C. M. HILL: I seek leave to make an explanation prior to asking a question of the Minister of Health, representing the Minister of Local Government.

Leave granted.

The Hon. C. M. HILL: The Local Government Act Revision Committee, which was set up by the Labor Government of 1965-68, took several years to carry out its investigations under its terms of reference. Ultimately, a large and comprehensive report known as the Local Government Act Revision Committee Report was brought forward. The committee's inquiries were extensive during that period and, of course, considerable expense, quite properly, was involved in preparing the report. Although I acknowledge that at present a local government commission is inquiring into local government boundaries, it is on the general subject of change in local government legislation that I frame my question. Apart altogether from the boundary question, will the Minister of Health ascertain from his colleague whether any action is taking place to implement in the main the recommendations contained in the committee's report or whether any action is being taken to rewrite the Local Government Act?

The Hon. D. H. L. BANFIELD: I shall be happy to refer the honourable member's question to my colleague and obtain a reply.

DENTISTS

The Hon. JESSIE COOPER: Has the Minister of Health a reply to my question of August 14 about the lack of training of periodontists in South Australia?

The Hon. D. H. L. BANFIELD: The replies to the honourable member's specific questions are as follows:

1. At present, one full-time staff member is engaged solely in the teaching of periodontology.

2. The faculty is currently proceeding with proposals for the revision and expansion of teaching in this area.

3. The appropriate department of the Dental School has frequently made requests to the Staff Development Committee for additional staff. However, such requests have to be considered in conjunction, and in competition, with similar requests from the other university departments. Unfortunately, the needs elsewhere have been so pressing that a further full-time appointment in periodontology has not yet been possible within the university's limited resources.

4. The Government is very active in the prevention of periodontal disease through the work of the School Dental Service. Every dental officer and dental therapist in the field and on the teaching staff of the School of Dental Therapy is engaged continuously in a programme of education to inform children, their parents and school teachers how periodontal disease may be avoided entirely by correct dental care applied at home. About 38 000 children will benefit by dental health education programmes in 1973 and, with the rapid expansion of the School Dental Service now taking place, it is expected that all primary schoolchildren will be included in such programmes by 1980. By 1985 it is expected that every child between three and 15 years of age will benefit by a dental examination, dental treatment and dental health education given annually. Prevention of periodontal disease is given an equal priority with tooth decay in all of this activity.

TRANSPORTABLE HOUSES

The Hon. J. C. BURDETT: I seek leave to make an explanation prior to asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. J. C. BURDETT: Today's issue of the *Murray Valley Standard* contains an article dealing with a new home plan for Mannum and Waikerie. The scheme involves the provision in home parks of transportable houses of between 7½ (69·68 m^2) and 9½ squares (88·25 m^2), which will be for rental and which will be situated in parks through which there will be no through roads. The scheme is a good one. The scheme for Mannum, which has been approved by the local council, will certainly be a boon for local industry. However, some of these houses will comprise only 7½ squares, and it is reported that they will not have carports. Does the Government consider that a house comprising 7½ squares is sufficient for a family home, and that it is satisfactory not to provide accommodation for cars in home parks of this kind?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply as soon as possible.

LAND COMMISSION BILL

Adjourned debate on second reading.

(Continued from October 10. Page 1143.)

The Hon. A. M. WHYTE (Northern): I rise to comment briefly on this Bill. The Minister's second reading explanation was brief and to the point, and I want to make my observations in the same manner. First, I agree with the Government's desire to ensure that people can purchase house building blocks at reasonable prices. Over the last few years we have seen an escalation in land speculation, which has not been in the interests of development.

Indeed, some people have acquired house blocks from developers and, without sinking any money into the venture, have turned over the properties at a handsome profit. I do not agree with this practice.

I do not believe that giving the Government power, by this Bill, to enable it to acquire land or, indeed, giving the proposed commission the powers contained in the Bill, is the right way in which to correct the present situation that is distressing house buyers in South Australia. The word "acquisition" is a frightening word and, although it has been with us for many years (and although in some cases acquisition is necessary) it can, as we have seen, bring hardship and sadness to those whose land and houses are being acquired.

The Bill contains a frightening aspect: the proposed commission, which will comprise State and Commonwealth representatives, will have wide powers to acquire land without having to hold it for any specified time. No direction is being given that the land must be developed and then released, and the Bill contains no provision that taxes or rates must be paid by the commission on the land. I believe the contents of the Bill are far too wide and, indeed, that far too much power is being placed in the hands of the commission. I cannot agree that the State Government needs to accept the Prime Minister's recommendation regarding appointments to the commission.

Without in any way wishing to flatter the Dunstan Government or its achievements, I believe, looking at the Commonwealth sphere, that Australia may be better off if South Australia was to send a representative to Canberra rather than the Whitlam Government sending one here. It does not seem right that, even if Commonwealth finance is required, the Commonwealth Government should have a representative on the commission who could direct how its money was to be spent. I guess I have borrowed as much money as most honourable members here have at different times but I have never accepted, nor do I believe, that it is a requirement of the people who lend the money generally to earmark it and say exactly how it shall be spent. I strongly oppose the idea that power should be centralized in such a manner. I turn now to the clauses of the Bill.

The Hon. A. F. Kneebone: Have you ever borrowed money from the stock agents?

The Hon. A. M. WHYTE: My word, yes!

The Hon. T. M. Casey: And they will tell you what to do with it, too.

The PRESIDENT: Order!

The Hon. A. M. WHYTE: I have stated that I disagree entirely with the appointment to the commission of a person nominated by the Prime Minister. It is State land; it is required for State purposes and has nothing whatever to do with the Commonwealth Government. Somewhere in this Bill there should be a direction to make it necessary for the commission to bring the land back into circulation at a given time. It should not be able to acquire tracts of land and hold them indefinitely; nor should it be able to hold them with the idea of making money out of the transactions, because that would defeat the purpose for which the commission and the Bill are designed. It would render building allotments less readily available to the public if these tracts of land were held and not released every now and again.

The commission could hold the land so that there was no possibility of there being a deficit; they would need to hold the land only long enough, in these circumstances, to make some profit on it. Clause 13 provides:

> The commission may delegate to any member, officer or employee of the commission, any of its powers or functions under this Act.

These, too, are very wide powers to delegate to anyone. Clause 15 deals with the financial provisions and provides:

> The commission may borrow money from the Treasurer. . . .

In some of the land acquisitions that we have seen, the responsible bodies have been slow to pay the people from whom the land was acquired, in some cases causing hardship. As I say, clause 15 relates to the financial provisions and I believe that here, too, there should be some indication of how long a person whose land was acquired should have to wait for payment. Clause 20 provides:

> A person authorized in writing by the commission to do so may enter upon any land and conduct any survey, test, or examination that the commission considers necessary or expedient for the purposes of this Act.

I certainly do not agree that a person, because he has an authority, should just walk on to a property and say, "We like the look of this land and will probably acquire it." Any officer entering on land should have previously warned the titleholder of that land of his intention to enter. I believe the titleholder should receive written notice that an officer will, on a certain date, enter his property.

With those comments I support the second reading to enable the Bill to get into Committee, but it must certainly be amended in some spheres before I will agree to its passage. Perhaps the sheaf of amendments that are on file will rectify the anomalies of this Bill: I certainly hope that some good will come of them. I therefore support the Bill in its second reading stage.

The Hon. A. F. KNEEBONE (Minister of Lands): I have listened with much interest to the honourable members who have spoken to this Bill. Almost without exception they have agreed that there is a need for residential sites to be made available to people on a cheaper basis than exists at present. I said almost all honourable members said they agreed with what the Government was endeavouring to do, but not all of them agreed with how it was going about it. They agreed that more residential sites should be made available to the public as early as possible as probably being the best way of achieving a reduction in the prices paid for residential sites. Well, that is what this Bill is all about, and that is what the Government is trying to do. The Government believes that the powers that are provided in the Bill are the powers needed to rectify the situation. The only honourable member who did not agree that we should endeavour to make prices more reasonable was the Hon. Jessie Cooper, who said that she did not believe that the price of land was disproportionately high and that bleating about land prices is largely being prompted by those who want more power to control and restrict commercial activity in this field and to socialize trading in land. She does not believe that the prices now being paid for residential sites are too high. Therefore, except for the Hon. Jessie Cooper, all other honourable members who spoke believed there was a need to restrict the escalation of prices.

The Hon. R. C. DeGaris: What about the second part?

The Hon. A. F. KNEEBONE: It was about Socialism and trading in land, and I do not agree with what she said. If the Leader wants to argue on the ideologies of Socialism and free enterprise I am certainly prepared to accommodate him.

The Hon. D. H. L. Banfield: And you'd win it hands down!

The Hon. A. F. KNEEBONE: Members opposite have said that the only way to control the price of goods is to sell them at their market value, and that that is brought about by a free enterprise society. I think all honourable members know as well as I do that this is not a free enterprise society; the system has broken down. Further, the law of supply and demand has broken down because of an artificial shortage not only in land but in other commodities. That is where the vaunted system of free enterprise has broken down. People can hang on to land.

The Hon. A. M. Whyte: Of course, the Government can do that, too.

The Hon. A. F. KNEEBONE: The Government does not do it. The Hon. Mrs. Cooper has said that it is evident that the price of land is not too high because the same blocks of land change hands very frequently. This is the very thing that we are endeavouring to halt. We are trying to stop the speculation in residential sites.

The Hon. R. A. Geddes: That is your argument: that 40 per cent of the houses were built by speculators.

The Hon A. F. KNEEBONE: We are trying to halt that speculation because, if speculators hang on to land in order to get a higher price later, a shortage of land is created. About 39·7 per cent of the blocks sold in 1969 had been sold more than once; in 1970 the figure was 40 per cent; in 1971, 43 per cent; in 1972, 42 per cent; and in this year to April, 49.9 per cent. Surely this illustrates speculation in land, and this goes on when there is no control over the price of land. Some honourable members have talked about restricting the Government to acquiring only broad acres. The Bill provides not only for purchasing broad acres but also for purchasing smaller blocks of land. If the Government is restricted to acquiring only broad acres, we may encounter cases where a hectare of land, a home site, is near an area of broad acres; the Government could purchase the broad acres but it could not buy the house on the hectare.

The Leader of the Opposition supported the second reading of the Bill and he strongly supported the principle enunciated in the Bill. The aim of the Bill is to regulate the present subdivision system which has a record of wild cyclical fluctuations in proposals to create new allotments. The Bill also aims to provide for orderly urban development, and so ensure that the supply of reasonably priced allotments is established and maintained.

The power of acquisition provided in the Bill will ensure that orderly development of the residentially zoned lands will be possible. Their use will eliminate the leap-frogging style of development which is now the practice, by permitting the consolidation of small and large parcels of land which can form a land bank, thus enabling land to be released for subdivision. Naturally, some houses will be acquired where consolidation of land is necessary. The allegation that the commission will be making wholesale house acquisitions is quite absurd. Why would it want to acquire developed areas to provide building blocks when broad acres, when consolidated, will be available for subdivision? The objects of regulating land subdivision and creating a land bank could not be achieved under section 63 (2) of the Planning and Development Act, as has been suggested by some honourable members, because that Act makes it possible only to acquire land and make it suitable for any of the purposes for which the land is or is proposed to be used under any authorized development plan. The State Planning Authority could, for example, acquire a pughole, cause it to be filled and compacted, and so create an allotment which would then be in a satisfactory state for subdivision. It could not, however, under section 63 (2) subdivide and sell the land. It can therefore be seen how inadequate the Planning and Development Act is in relation to what is needed to ensure that allotments for development are made available.

The Hon. R. C. DeGaris: Is the Lands Department holding any land that it will not release?

The Hon. A. F. KNEEBONE: Offhand, I cannot say. Clause 12 (2) (*b*) provides that the commission may sell, lease, mortgage, charge, encumber, or otherwise deal with any land that is the property of the commission. It is therefore very clearly stated that these actions, which include leasing, can be applied by the commission only to lands which it owns. Consequently, if leasehold tenure is applied, it will be only after the owner has been properly compensated in respect of the purchase or acquisition of his land. Regarding the Leader's interjection, as soon as the land development unit was set up, all Government departments were contacted and asked to inform the unit about land being held which could be developed for subdivisional purposes. This inquiry has been made in relation to land that any department is holding.

The Hon. C. M. Hill: Did you inquire of the Housing Trust?

The Hon. A. F. KNEEBONE: Yes. The Housing Trust has informed us that it has land which it will make available to the unit for this purpose.

The Hon. R. C. DeGaris: The Lands Department has been holding land and has not released it because the department claims that it wants to catch a price rise.

The Hon. A. F. KNEEBONE: The Leader would have to make his charge much more specific than that before I would take any notice of it. Should the Government, after considering the report of the commission of inquiry into land tenure, decide to introduce leasehold tenure, it would be only in respect of new subdivisions or new developments. To suggest that existing urban areas will be converted to a leasehold basis is absurd. The administrative problems of so doing would make this impossible, even if it was the Government's intention. I have not answered all of the questions raised by honourable members because I do not believe that all of the questions were put seriously.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. J. C. BURDETT: I move:

To strike out "'the Prime Minister' means the Prime Minister of the Commonwealth".

I cannot explain my amendment without referring to an amendment I intend to move, if this amendment is carried, to clause 6. The Bill provides that the constitution of the commission shall be three, two of whom shall be persons nominated by the Premier after consultation with the Prime Minister, and one of whom shall be nominated by the Prime Minister after consultation with the Premier. The fundamental principle behind the two amendments is that the constitution of the commission be changed by deleting all reference to the Prime Minister, so that the commission shall consist of three, who shall be appointed by the Governor on the Minister's recommendation, and by providing that the recommendation shall be laid on the table of both Chambers and may be disallowed within 14 sitting days.

Two principles are involved here: first, whether the Prime Minister should have any say in appointing members

to the commission; and, secondly, the actual mode of appointment. Regarding the first principle, I stress that this is a South Australian Parliament dealing with South Australian land and setting up a South Australian commission, and there is no need to allow any member of the commission to be appointed by the Prime Minister, any other Commonwealth Minister, or any Minister outside South Australia. I am not being parochial in this matter. I submit that a commission appointed by the Governor, on the Minister's recommendation, would be capable of dealing with South Australian land and of considering the national interest. Whether the Prime Minister should have any part in the appointment of members to the commission was dealt with at length yesterday by the Hon. Mrs. Cooper, and I need not repeat what she said. Regarding the way in which the commission should be appointed—

The CHAIRMAN: I think the honourable member is now dealing with clause 6. The honourable member must confine his remarks to the amendment to the clause under discussion.

The Hon. J. C. BURDETT: Very well, Sir.

The Hon. A. F. KNEEBONE (Minister of Lands): I cannot accept the amendment, which I oppose strongly.

The Committee divided on the amendment:

Ayes (11)—The Hons. J. C. Burdett (teller), Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS (Leader of the Opposition): I move to insert the following new definition:

"the Land and Valuation Court" means the Land and Valuation Court established under the Supreme Court Act, 1935-1972.

This is a broad Bill, and it is indeed vague regarding the scope of its acquisitional powers. It will bring uncertainty into land dealings and into the mind of anyone who owns land. As the Hon. Mr. Potter said yesterday, the definition of "land" is so wide that it can mean practically anything. The Minister in replying to the second reading debate, said that it was the commission's object to acquire broad acres for housing development. The Bill goes much further than that: it confers on the commission much wider powers than those referred to by the Minister. The acquisitional powers being conferred by the Bill are wide, and no right of appeal exists regarding those acquisitions.

Under the Land Acquisition Act, the acquiring authority must state the purpose for which the land is to be acquired, and, indeed, the land must be acquired for that purpose. Also, under that Act a right of appeal exists regarding the price paid by the Government for land being acquired. Under this Bill, however, the land being acquired does not have to be the best land for the purpose: it could be acquired for purely political reasons, as has happened.

The Hon. D. H. L. Banfield: When did you do it?

The Hon. R. C. DeGARIS: If the Minister would like to hear them, I could refer to a few cases involving this Government. The acquisition powers contained in the Bill are so wide that there must be a right of appeal to the Land and Valuation Court. These powers to acquire land should not be given to any commission or Minister without there being a right of appeal. The Minister of Health wanted details of acquisitions by this Government, which I believe have been illegal. Pensioners have been threatened with acquisition not for a specific purpose but solely to satisfy the whim of a certain person, and those acquisitions have been effected under the restricted powers conferred by the Land Acquisition Act. As the acquisition powers under this Bill are so wide, I have moved this amendment. Subsequent amendments will relate to questions of appeal on property acquisitions.

Honourable members may be interested to know that the Fijian Constitution contains a provision that an appeal shall lie to the court on land acquisitions, and such acquisitions cannot proceed if they are unfair or if the land being taken is not the most desirable land available for the purpose for which it is being acquired. A provision along those lines is necessary in a Bill of this nature, which gives such tremendously wide powers to one man, the Premier, over the private rights of individuals' properties.

The Hon. A. F. KNEEBONE: I oppose the amendment, not simply for its sake alone but because of further amendments that the Leader intends to move.

The Hon. R. C. DeGaris: Do you object to the idea of an appeal?

The Hon. A. F. KNEEBONE: The Government wants to be able to produce land expeditiously for the purposes to which it has already referred, as that is the only way in which the price of land can be controlled in a short period. If the commission had to go to the Land and Valuation Court for every single piece of land it sought to acquire, we would never get off the ground the proposals for acquiring land for residential purposes.

The Committee divided on the amendment:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried.

The Committee divided on the clause as amended:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 5 for the Ayes.

Clause as amended thus passed.

Clause 5—"Establishment and incorporation of the South Australian Land Commission."

The Hon. Sir ARTHUR RYMILL: This clause sets up the South Australian Land Commission. We heard something yesterday about an advertisement in the *Advertiser* on this matter. There is another advertisement in this afternoon's *News*, which states:

A Bill now before Parliament will establish the South Australian Land Commission.

That is in the terms of this clause. The advertisement yesterday came as a shock to me, as it did to other honourable members, but I am more shocked today than I was yesterday, thinking it through. I still have not been able to think it through sufficiently, but I find something sinister in this. It is, to my knowledge, totally unprecedented in this State, and, as far as I know, anywhere else in Australia, that this sort of thing should happen while the

Bill in question is being debated in Parliament. They are public advertisements as opposed to statements in the press, but the fact that these large advertisements should appear in the press at, apparently, the public's expense while the Bill is still before Parliament is excused by the Premier as being "not political but containing purely factual information". He states, in this afternoon's *News*:

It is quite essential that the public should know what the Government's proposals are.

In the same edition of the *News* we read:

The State Government today rejected an Opposition call for money to enable it to put its point of view on land price control. The call was made yesterday by the Opposition Leader in the Legislative Council, Mr. DeGaris.

Why do we get the reply not in Parliament but in the *News?* The Hon. Mr. DeGaris asked this question in this Council yesterday afternoon and the reply is given in a newspaper which smacks of the same sort of thing. I do not know what it all means or where we are getting. I know where we are getting in the Commonwealth sphere: the unions are making a takeover bid for the Government. I know it always happens under a Labor Government, but where we shall end up with all this I hesitate to try to forecast. I say, first, that I totally disapprove of what the Government is doing as regards this Bill; secondly, I totally disapprove of its using public moneys to gets its message over to the public when it refuses the same public moneys to the Opposition for it to get its message over to the public. I disapprove of what is being done as, in my opinion, it is a denial of the proper rights of Parliament. I wish to think this over some more, because I have still not got the full implications of it: it is something entirely new to me. The more I think about it, the less I like it and the more it alarms me.

The Hon. A. F. KNEEBONE: I rise to reply to a question raised by the Leader yesterday, and in doing so say that I am to blame, I think, because I did not report back to honourable members with an answer.

The Hon. R. C. DeGaris: This advertisement was given to the *News* long before Parliament sat today. That is not your fault.

The Hon. A. F. KNEEBONE: The reason there is an advertisement in the *News* this afternoon is that an unintentional error was made in the *Advertiser* this morning, and this was intended to correct that error.

The Hon. A. M. Whyte: It does not say anything in the *News* about correcting the mistake.

The Hon. A. F. KNEEBONE: You will find there is a mistake if you compare the two advertisements.

The Hon. Sir Arthur Rymill: But it does not say so in the *News*.

The Hon. A. F. KNEEBONE: No; but I am saying so.

The Hon. R. C. DeGaris: What about the other mistakes?

The Hon. T. M. Casey: There are no others.

The Hon. A. F. KNEEBONE: The Leader asked me a question yesterday, and I will give him an answer now. The cost of publicity given to show the Government's intention and the reasons for introducing the Bill was $3 900 plus costs; and that is the closest figure I can give at present.

The Hon. R. C. DeGaris: I did not ask that question.

The Hon. C. M. Hill: I asked it.

The Hon. A. F. KNEEBONE: Yes. I still maintain that the advertisement was placed in the paper for information purposes to outline the intentions of the Bill. I think it is a factual interpretation and I agree with what has been done.

The Hon. R. C. DeGARIS: I thank the Minister for the information he has given the Council relating to the advertisement in the *News*. However, the advertisement does not express the total concept of the Bill before this Chamber as there are many other things that have been omitted. The advertisement does not inform the public—as the Minister himself said, "I think it tells the public about the legislation", or words to that effect. He used the words "I think". In other words, the advertisement expresses an opinion: the opinion the Government wants the people to believe. There are dozens of things that have been deliberately left out of the advertisement, and these were highlighted yesterday by the Hon. Mr. Potter. Does the public understand, for example, that there is no appeal against acquisition? Does the public know that this Bill covers a much wider range than just the questions that have been touched on in the advertisement? I believe that the Government, in using the taxpayers' money to publicize something that is purely for Party political purposes, is completely unjustified in its action, and it is outside anything that has happened in this Parliament since I have been here.

It is the right of the Opposition or of the Council to correct some of the false allegations that were made against it by the Premier long before the Bill was introduced into this Council, when he accused the Council of wanting to defeat the Bill. We have not been given an opportunity to express our views on the amendments that we believe are necessary. This is the information that should be got to the public. If the Government is going to provide money for its own publicity it should also provide money in the same way the Commonwealth Government is providing money to enable the Opposition to put its view on the forthcoming referendum—

The Hon. G. J. Gilfillan: It's strong-arm tactics!

The Hon. R. C. DeGARIS: It is more than that.

The Hon. A. M. Whyte: It's brainwashing.

The Hon. R. C. DeGARIS: The Opposition should be given an opportunity to express its opinion the same as the Government has expressed an opinion, because the Government has not presented all the facts to the people of South Australia. In today's *News* the Premier said, in replying to a question I asked yesterday:

If Mr. DeGaris wants to put in advertisements the type of thing he has been saying about the Government proproposals, he can pay for them himself.

It is the taxpayers' money that is being used to present the Premier's view—

The Hon. D. H. L. Banfield: No; it is the facts.

The Hon. R. C. DeGARIS:—on the same legislation, and this Chamber is not being given an opportunity to express its view in the same way. Mr. Chairman, I will use a very vulgar phrase: "it stinks"!

The Hon. C. M. HILL: I wish to support the two speakers who have expressed alarm at both the advertisements that have appeared and, more particularly, the principles behind the insertion of these advertisements in publicity of this kind. I wholeheartedly agree, particularly with the Hon. Sir Arthur Rymill, when he said that this matter requires much thought, and it fills one with deep concern as to where the Parliamentary system is going in this State if this is accepted as a precedent to allow the present Government, and future Governments, to try to pressurize Parliamentarians in this way. One's deep alarm goes back to the whole question of separation of powers between the Executive and Parliament.

I do not object to pressure groups from within the community making representations to Parliamentarians or to me when Bills are before the Houses of Parliament.

Under our system of Government we represent those people, be they groups, associations or individuals. They can come here and make their opinions known to us, or they can insert advertisements in the newspapers. However, when the Executive itself, the body which should bring proposed legislation before Parliament for proper debate and judgment, starts this kind of pressure tactic while proposals are still before Parliament, then a very serious situation results.

I want to express my alarm at what has happened in regard to these advertisements and what they mean. When we recall the comments of the Premier in branding this Chamber, or some of the honourable members of it, in the press recently, as "reactionaries", and when that same person instigates advertisements of this kind and puts his name to them, we wonder what kind of dictatorial ambitions—

The Hon. T. M. Casey: Oh, come off it!

The Hon. C. M. HILL: —this person and this Government—

The Hon. D. H. L. Banfield: Don't get carried away!

The Hon. T. M. Casey: I resent that.

The Hon. C. M. HILL: Does the Minister resent honourable members of this Council being called reactionaries? Who are the reactionaries? I find great difficulty in seeing the end of this situation. On first impressions, it smacks of being a dangerous form of indoctrination.

The Hon. Sir ARTHUR RYMILL: The Government of the day has the public purse at its command, and apparently it can put out any propaganda it likes to issue at public expense, while the Opposition is denied the opportunity of doing that, not only because it does not have control of the public purse but also because of a specific statement by the Premier, who said that the Government could use public moneys for its propaganda and the Opposition could not.

Clause passed.

Clause 6—"Constitution of the commission."

The Hon. J. C. BURDETT: I move:

To strike out all words after "Governor" first occurring and insert "of whom one shall be appointed to be Chairman upon the nomination of the Minister".

It was apparent from most of the second reading speeches that the commission has very wide powers, although this was not stressed in speeches from the Government side. These powers are to be exercised by a triumvirate. I had in mind increasing the membership of the commission from three to five and directing from where some of the members should come—for example, from the Real Estate Institute. However, far be it from me to interfere unduly with Government legislation. So, I decided to leave the number of members of the commission at three. I strongly believe in the separation of powers of the Legislature, the Executive and the Judiciary, but I suggest that the power given to this commission is so wide that Parliament should have some power of veto in connection with the commission's membership.

The Hon. A. F. KNEEBONE: This is the most extraordinary amendment that I have experienced during my membership of this place. Judges and many Government authorities have tremendous power, but the honourable member has never worried about providing restrictions in connection with their appointment. I strongly oppose the amendment.

The Hon. R. C. DeGARIS: I agree that the amendment is extraordinary, but it amends an extraordinary clause in an extraordinary Bill. The clause is extraordinary in that it allows the Prime Minister of another Parliament to nominate someone to a South Australian body, and the Prime Minister also has to approve those whom the South Australian Government appoints. The Minister is complaining about the amendment, which allows the Parliament of this sovereign State to have a say in who is appointed to the commission.

The Hon. A. F. Kneebone: Does the clause say "approve"?

The Hon. R. C. DeGARIS: The word used is "consultation". The very fact that there must be consultation means that there must be agreement and approval. The Minister complained that the amendment would allow the Parliament of South Australia to have some consultative capacity in regard to the appointments, yet he is willing to consult someone (the Prime Minister) who is entirely outside this Parliament. As the Bill is drafted, the commission is to be constituted by the Premier and the Prime Minister conjointly and, in principle, it is undesirable that a member of this commission should owe loyalty to another Parliament, namely, the Commonwealth Parliament. This situation would continue indefinitely because, as soon as a vacancy occurred in an office nominated by the Prime Minister, it could be filled only by another person nominated by him in consultation with the Premier. As the commission will have wide powers, I suggest that the appointment of all members should be subject to Parliamentary approval and that none of the members should be appointed on the nomination of anyone outside this Parliament. I know that the amendment is an extraordinary one, but it amends an extraordinary clause in an extraordinary Bill.

The Hon. Sir ARTHUR RYMILL: I reiterate the final words that have been used several times: it is an extraordinary amendment to an even more extraordinary clause. We are, as the Leader has said, a sovereign State Parliament. We have separate powers from the Commonwealth Parliament, and we normally exercise them separately. The clause as drawn not only gives the Prime Minister power to nominate one member of a three-member State commission but it also gives him a right of veto of the other two members nominated by the State. I cannot conceive of anything more extraordinary than that. Nowhere else in the Bill, as far as I can ascertain, is the Commonwealth mentioned, although the dogs are barking in the streets that Commonwealth money will be used by the commission, and that user will be a subterfuge to get around the "just terms clause" in the Commonwealth Constitution.

I have not studied the Bill that complements this Bill, although I am anxious to see what the other Bill provides. The Commonwealth Government is being hampered by the just terms clause in the Constitution, because it cannot take over anything on unjust terms. The State, as a sovereign Parliament, has no similar fetter, and if the two Labor Goverments act in concert it is possible, subject only to any barrier that this Parliament may have raised, to acquire land and property on unjust terms. So, although I think that the amendment is not the kind of amendment I would have moved, I think its effect is to delay too long the appointment of members of the commission. However, I intend to support the amendment. It is the only matter before the Committee now that removes the Prime Minister from interfering totally in what is a State matter, because he can nominate one of the three members and veto the other two.

The Hon. J. C. BURDETT: I agree with the Minister that judges have wide powers, but they must exercise their powers according to law and precedent. I also agree with him that the State Planning Authority and the other authorities to which he referred have wide powers;

but in the Act, they have detailed terms of reference. In this Bill the powers and terms of reference are so wide that it is necessary to have this extraordinary provision that Parliament should have the power of veto in saying who shall be on this amazing triumvirate, which will exercise great power throughout the State.

The Hon. G. J. GILFILLAN: The Chairman shall be appointed for such term of office, and on such conditions, as may be determined by the Governor. A member of the commission, other than the Chairman, shall be appointed for a term not exceeding four years. Therefore, I cannot see where a substantial delay would cause any inconvenience. The commission will be appointed for a long term and, if members come up for review every four years, that is fair enough in a Bill as comprehensive as this one. The commission will have wide powers. It is extraordinary that the Government should ask for all these powers, which, in some cases, would almost constitute a blank cheque, particularly when there is no right of appeal provision. Yet, this Government has agreed to abdicate its responsibility to the Prime Minister, who does not have to answer to this Parliament. Surely, with the history of responsible Government in this State the amendment is a sensible one, and I am sure it will be used with understanding and responsibility.

The Committee divided on the amendment:

Ayes (12)—The Hons. J. C. Burdett (teller), Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 6 for the Ayes.

Amendment thus carried.

The Hon. J. C. BURDETT: I move to insert the following new subclauses:

(2) Where the Minister proposes to nominate a person for appointment as a member of the Commission, he shall cause notice of the proposed nomination to be laid before both Houses of Parliament.

(3) Where either House of Parliament passes a resolution within twelve sitting days after the day on which notice of the proposed nomination is laid before that House disapproving the nomination of a person as a member of the Commission, then the Minister shall not nominate that person for appointment as a member of the Commission.

I have already explained this amendment.

The Hon. Sir ARTHUR RYMILL: I should prefer new subclause (3) to provide that Parliament can have not 12 sitting days but four sitting days in which to examine the matter. Twelve sitting days seems an unnecessarily long period.

The Hon. J. C. BURDETT: I accept that.

The CHAIRMAN: Will the Committee give the Hon. Mr. Burdett leave to amend his amendment by striking out "twelve" and inserting "four"?

Leave granted; amendment amended.

The Committee divided on the amendment:

Ayes (12)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 6 for the Ayes.

Amendment thus carried.

Clauses 7 to 9 passed.

Clause 10—"Validity of acts of the commission and immunity of its members."

The Hon. G. J. GILFILLAN: The clause does not refer to the Chairman's voting power. Can the Minister say whether he is to have a deliberative or casting vote, or both, or, indeed, any vote at all?

The Hon. A. F. KNEEBONE: I should think he would get a deliberative vote only.

The Hon. Sir ARTHUR RYMILL: In that case, if two members of the commission can constitute a quorum and, under clause 9, no business can be transacted unless a quorum is present, it will not be possible for the commission to conduct business with the minimum quorum if the two members present disagree with each other.

The Hon. A. F. KNEEBONE: I think I am out of order in replying to the question. Clause 9 (2) provides:

A decision in which any two members of the commission concur shall be a decision of the commission.

So they can concur if only two members are present.

Clause passed.

Clause 11 passed.

Clause 12—"Powers and functions of the Commission."

The Hon. R. C. DeGARIS: I move:

In subclause (1) to strike out "and" after paragraph (*e*), and to strike out paragraph (*f*).

The reason for this amendment is the very wide powers that this clause gives the commission in defining its functions. We must go back to the definition of "land" in the definition clause to understand how wide that definition is. The functions of the commission are as follows:

(*a*) to acquire land for present or future urban expansion or development, for the establishment of new urban areas, or for other public purposes—

which are not defined; they could be anything—

(*b*) to manage and develop or redevelop the land so acquired;

(*c*) from time to time, as prevailing circumstances require, to make available such of its land as the commission considers necessary or expedient for the orderly establishment, expansion or development of urban areas, or for other purposes;

(*d*) to promote integration and economy in the development of land for urban purposes;

(*e*) to provide, or arrange for the provision of, services and amenities for the use or benefit of the present or future community in new urban areas.

Then we come to the paragraph that I wish to remove:

(*f*) to perform such other functions—

(i) as may be necessary or incidental to the foregoing, or

(ii) as may be assigned to the commission by the Minister.

The Hon. Sir Arthur Rymill: A blank cheque.

The Hon. R. C. DeGARIS: It is a complete blank cheque for the Government. If the commission has not sufficient powers under paragraphs (*a*), (*b*), (*c*), (*d*), and (*e*) and requires to extend those powers, let the Government come back to Parliament and detail what further powers it needs. This is a complete blank cheque.

The Hon. Sir Arthur Rymill: Under this clause, power could be assigned to the commission to control wages.

The Hon. R. C. DeGARIS: I do not know whether it goes that far, but the honourable member may be right. However, the Government can assign to the commission the power to acquire land for any purpose; it could acquire a block of land to prevent legal action against the Government for compensation. What hope would any developer, retailer or industrialist have if the knife was drawn against him as the Premier drew it against the Myer organization? There is no question about that.

The Hon. T. M. Casey: There is a lot of question about that.

The Hon. R. C. DeGARIS: That knife could be drawn and a retailer, developer, or industrialist could be decapitated legally by the action of the commission. If the commission wants further powers, it should tell Parliament what extra powers it requires, and let Parliament make the decision. This clause is handing to the Premier or Minister in charge of this commission the power to assign any power to the commission that he so desires in relation to land acquisition, and the definition of "land" is so wide that it can mean anything.

The Hon. A. F. KNEEBONE: I oppose the amendment. I think all honourable members opposite would agree with the Government that, if we are to control the price of land (and some honourable members have espoused the idea of controlling the price of land so that it can be made available to people at a reasonable price) within a reasonable time, because of the difficulties confronting us wide powers are needed. This amendment and those which the Opposition has already forced through have the effect of stultifying the activities of the Government and the commission in regard to doing just what we are trying to do. Therefore, I oppose this amendment.

The Hon. JESSIE COOPER: I support the amendment. However, if this amendment is carried, the semicolon in line 21 must be changed to a full stop.

The Hon. R. C. DeGARIS: I think what the Minister is saying is that the Government wants these very wide powers so it can act quickly, and that there will be no right of appeal regarding any actions the commission may take. The only amendment I have moved so far is to define the Land and Valuation Court, with a view to allowing an individual to appeal against any decision that may be made arbitrarily by the commission on the ground of whether the acquisition is fair or not. Does the Minister not want the commission to act fairly? There is no guarantee that it will.

The Hon. A. F. Kneebone: We believe it will.

The Hon. R. C. DeGARIS: I differ from the Minister on that point. One case that came to my notice I should like to mention. Unlike the Hon. Mr. Chatterton I will not give any names, as he did in his vicious and unwarranted attack on Mr. Carey the other day. The letter comes from Port Augusta, and states:

After reading your paragraph in the *Sunday Mail* regarding Mr. Dunstan's land prices I feel compelled to write to you and bring before you the position which my wife and I find ourselves in through the acquisition of our property in Rowland Road, Hilton, right opposite Theatre 62, which in our opinion was taken and then given to our tenant. We were told it was to widen the road to the airport. The house, double-fronted shops with four rooms and bathroom behind a long storeroom opening on to Rowland Road with double doors. The house is red brick and situated on the corner of Rowland Road and Clarence Street. My wife and I had our fill of our tenant. We tried to put his rent up, and was told by him he would see Mr. Dunstan, and we got a lawyer's letter.

We had been getting quite a number of inquiries asking if we would sell, but the wife and I had been hanging on to it, because the price was going up all the time, to have something when we retire. A chap came along and said he was asking for a property for his firm and asked would we sell. We told him the tenant had two months of his lease to run and we would be glad to sell if we could, so he said, "Put it up for auction. I will start the bidding off for you. If your tenant wants it he can bid." The tenant was told, and we duly put it in the hands of an auctioneer.

The tenant told us, "You can't sell." He told us that he would stop it, which, at the time, was just bluff. The sale was duly advertised, my wife and I were on our way down to Adelaide to attend the sale, to be told by the auctioneer that a Minister rang up 1½ hours before the time of the sale and told the auctioneer to stop the sale. It was not to go on. No reason was given. Eventually we were told it was wanted to widen the road. After considerable time I got our local M.P. on to it and he went straight to Mr. Virgo, who said it was a property opposite Theatre 62.

Eventually we were offered $14 700, which was not the price we paid for it years before, to say nothing of the extensions we put on it. After a lot of wrangling, Barrett and Barrett said, on valuing it, $18 000 with expenses. We were told we could not get a penny more. I have had the Ombudsman on to it and the man I saw said that no doubt we were railroaded out of our property. I am enclosing photostats of his replies. All letters and everything is in writing. It would be too much to try and tell all now, but if ever I saw a shady deal this is one.

We know that the tenant never had the money to do the improvements, and our letter to our tenant was always chasing him for back rent. I find myself in agreement with what you and Mr. Mathwin had to say in last week's *Sunday Mail*. We would be very pleased to hear your comments on it and would come to Adelaide with our letters to talk it over with you. By way of interest, I was put on an invalid pension two years six months ago by the doctor.

There is then a postscript, which states:

We were not told at the time of the Lands Acquisition Act, 1969, nor did we know of it until we read it in Mr. Combe's letter.

This property has been compulsorily acquired for road widening purposes, the tenant is still on the property, and it is my belief that the property was never acquired for road widening purposes, because all that is required is 8ft. (2·4m), and that could be acquired. The acquisition order arrived 1½ hours before the auction was to take place. Part of the Ombudsman's report states:

On looking at the information forwarded to me by the department I am satisfied that the first notice of acquisition that you received was, as you have stated, by means of a telephone communication conveyed to the auctioneer on the morning of the auction. On looking at various departmental records it would appear that the persons responsible were severely criticized for approaching you in this way and there were explicit recommendations made that this procedure not be repeated on future occasions.

What wonderful satisfaction for a person who has had his property removed from him. What I have said in relation to illegal acquisitions is dealt with in volume 42 of the *Australian Law Journal*, which contains a decision of the High Court in the case *Kerr v. Shire of Werribee*, where the same position existed. The Shire of Werribee attempted to acquire a property compulsorily from a person for a purpose that was not contained in the legislation. That acquisition was upset.

There is some protection in the Land Acquisition Act against this sort of thing. This person was not informed of the acquisition until 1½ hours before the auction, when a Government representative walked in and said "No", and that property has virtually been preserved for a tenant. The relationship between this position and what is just and fair will shock anyone who likes to look at it. This is happening under the powers of acquisition that exist now, but this Bill enlarges the powers considerably, and there is no right of appeal whatever. Those powers can be enlarged not by Parliament but by a stroke of the pen of the Premier, who will be in charge of the legislation. The commission may be given powers that this Parliament may not even dream can be given to it in relation to acquiring property from people. The case involving the pensioner involves one of the most blatant uses of the power of acquisition that have come to my notice.

I shall deal now with another case, where a gentleman invested nearly $500 000 in the development of a quarry

in the Adelaide Hills; he purchased the mineral rights from the owner. When the mining legislation was before this place in 1971 honourable members devoted much attention to preserving the rights of a person who, on his title, owned the mineral rights. Section 19 of the Mining Act provides:

(1) Where . . .

(c) an application is made in writing to the Minister within three years after the commencement of this Act for a declaration under this section, and the application is supported by such plans and information as the Minister may require,

an area determined in accordance with this section shall subject to this section be declared by proclamation to be private mine and where such a declaration is made the mine shall, subject to this section, be exempt from the provisions of this Act.

This gentleman bought the mineral rights for a large sum and he spent a considerable sum in developing the quarry. On January 18 he applied to the Mines Department for a private mine, which was his right under the legislation. That application has still not been granted. Although the Act says "shall", the Minister has refused to sign the declaration for a private mine. What has happened since is that a notice of acquisition has been served on the gentleman for the acquisition of his quarry for freeway purposes. I know that the Mines Department for months has been recommending that the declaration of a private mine should be signed by the Minister, but it has not been done. Then, a notice of acquisition is served on the gentleman. What amount of compensation is payable? Nil! I am not one who sticks up for more than just and fair compensation, but in this case more than $400 000 has been invested, and absolutely no compensation is offered. Yet the Minister of Lands asks this Committee to grant the Government a blank cheque in relation to the Land Commission! I believe that this Bill must contain reasonable protection against the actions of a Government that walks roughshod over the interests of the individual.

The Committee divided on the amendment:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS: I move:

In subclause (2) to strike out "notwithstanding any enactment or law to the contrary" and insert "subject to this section"; and in paragraph (c) before "subdivide" to insert "subject to the Planning and Development Act, 1966-1973".

Clause 12 provides the commission with wide powers. Subclause (2) states:

In the performance of its functions under this Act, the commission may, notwithstanding any enactment or law to the contrary . . .

I see no reason why that extremely wide power should be given to the commission. It would take the commission right outside the scope, for instance, of the Planning and Development Act, which provides the framework for development in the metropolitan area and elsewhere in South Australia. The Act provides that, where a private developer carries out certain development work, he must provide certain open spaces. I see no reason why the commission should not be bound by any of the planning laws the same as every person in the State is.

The Hon. Sir Arthur Rymill: The purpose of the clause is to try to relieve the commission of observing the provisions of the Planning and Development Act.

The Hon. R. C. DeGARIS: That could well be. It would exempt the commission from being bound by that Act. I believe that, in subdividing or developing any land for urban use, the commission should be bound by the provisions of the Planning and Development Act, as is anyone else who subdivides land.

The Hon. G. J. Gilfillan: Or by any other law.

The Hon. R. C. DeGARIS: Yes.

The Hon. G. J. GILFILLAN: It would be unreal to place the commission outside the law as it applies to others. I have no quarrel with the idea of providing open space, where practicable, but there is also a provision in the Planning and Development Act that, where the subdivision is a small one, it is not practicable to provide reasonable open space; but there is a straightout charge on each block of, I think, $300. This adds to the cost of any development. I do not think that the commission should be able to cut corners and deprive people of the same advantages they would be given under other forms of development. In other words, the commission could get away with, in effect, a cheap and shoddy job. It is only right that, in protecting the environment, the commission should work under the same conditions as anyone else. I am concerned at the loss of right under law to the average person in the community as a result of abuse of too much power contained in such far-reaching legislation.

The Hon. B. A. CHATTERTON: I oppose the amendments. I think the Opposition has put the worst possible light on this matter, because it thinks that the commission will work against the provision of open spaces.

The Hon. R. C. DeGaris: It could well do that.

The Hon. B. A. CHATTERTON: I do not think so. The commission will be free to experiment with newer ideas on town planning, such as housing lay-outs, distribution of roads, etc.

The Hon. Sir ARTHUR RYMILL: What the Hon. Mr. Chatterton has just said is that the Government is entitled, by legislation, to have a monopoly on experimenting with new ideas, to the exclusion of private enterprise.

The Hon. A. F. KNEEBONE: I do not agree with the Hon. Sir Arthur Rymill's remark. The Government's aims are to get to the people as soon as possible an adequate supply of land. I do not agree with the Hon. Sir Arthur Rymill, who said that the Government might do things not up to the standard of the provisions of the Planning and Development Act. As a result of the Government's efforts in planning and development, we will be doing something even better than is provided in the legislation. I oppose the amendments.

Amendments carried.

The Hon. C. M. HILL: I move:

In subclause (3) after "Commission" to insert "(a)" and the following new paragraphs:

(b) shall not conduct its business with a view to making a profit;

and

(c) shall have as its primary object the provision of land to those members of the community who do not have large financial resources.

Under certain conditions, I would not oppose a commission being set up. I am sure that it is the Government's intention that the commission should not make a profit. I say that, because I accept the Government's view that maximum benefit must come through the availability of more land at the lowest possible prices to the community. If the Government is able to process this land (and I have grave doubts that it will be able to do so), even on a cost basis cheaper than that which is being offered on the open market by private enterprise, the low prices assured by the non-profit principle will be of benefit to buyers.

This will have a second effect, in that it will tend to cause a reduction in the sale price of certain other land as well, and it will then achieve the target of a turn-down in land values.

If the Government is sincere in its desire to put this land on the market to the maximum benefit of purchasers, and if it wants to compete successfully with its competitors in this field, it will agree to the proposition that the commission should not conduct its business with a view to making a profit.

My second point follows on the views I expressed previously: that the land so provided should be offered at least initially to people on the lower income brackets, particularly young people, and also to those who are not young but who have only limited capital with which to buy land and build a house. They are the people that I assume the Government wants to help, and the amendment is designed to help them.

The Hon. SIR ARTHUR RYMILL: This clause is a bit of bare-faced window dressing; it is meaningless and unenforceable. What are "established principles of financial management"? I suppose I know as much about finance as anyone in this Chamber and I do not know what this means. What are "established principles of economy"? That is the broadest term that one could possibly imagine. The whole matter is quite vague. The main point is that, assuming the commission does not conduct its business in accordance with the principles referred to in the clause (whatever they may be), who can take action against the commission? No right of action is given against the commission in relation to its financial management, and I cannot think of any legal process that one could levy against the Government or this commission if it did not comply with the clause. It is totally meaningless.

The Hon. Mr. Hill's amendments are probably valuable, as I do not think the Government has ever said it has introduced the legislation with a view to making a profit. Indeed, I imagine the contrary to be the case. I cannot therefore see why the Government should object to this amendment. However, examples have been given in this Council and in another place which show that the Government and its departments are not averse to making a profit, if it is possible to do so. Indeed, the Hon. Mr. Hill referred to an example of this. New paragraph (*c*) provides that the commission should have as its primary object the provision of land to those members of the community who do not have large financial resources. That is exactly what I understood the primary object of the Bill to be. The Hon. Mr. Hill is therefore merely spelling out to the Government what it has virtually said itself it would do.

The Hon. A. F. KNEEBONE: I do not think the Government ever intended to make a profit out of this matter. I suppose it would be all right if the commission inadvertently made a profit.

The Hon. Sir Arthur Rymill: I think that is the way the clause is drawn.

The Hon. A. F. KNEEBONE: The primary object of the Bill is to provide land for members of the community who are not greatly endowed. The matter is restricted to some extent, the new paragraph referring as it does to "large financial resources". But what is meant by that? Some people may think that I have large financial resources, but I do not think I do. How, therefore, is this to be worked out? What would happen, for instance, when completing a development area in a more exclusive suburb where some blocks were being provided?

The Hon. C. M. Hill: Are you going to work in an exclusive suburb with this proposal?

The Hon. A. F. KNEEBONE: I am not saying that, but what would happen in such a case? I do not voice any strong opposition to the amendment. The Bill is indeed a good Bill.

The Hon. Sir ARTHUR RYMILL: I thought the Minister might waver a little because this is a good amendment, which the Hon. Mr. Hill has obviously drawn carefully. Paragraph (*b*) does not stop the commission from making a profit: it merely provides that it shall not have that object. New paragraph (*c*) is equally well drawn, providing as it does that the commission shall have as its primary object the provision of land to the non-wealthy sectors of the community. I understand that is what the Government is aiming at. That new paragraph provides not that the commission shall have the provision of such land as its only object but that this should be its primary object. Therefore, it could have other objects. This amendment does not curb the commission's powers in any way: it merely tells the commission that it must direct its efforts primarily towards this object, which is the basis of the legislation.

The Hon. R. C. DeGaris: We find the same clause in Local Government Acts.

The Hon. A. F. KNEEBONE: First, money will be made available to purchase broad acres. It will be partly State money, partly Commonwealth money, partly Loan money, and there may be some other money. If we do not provide for getting some money back, how do we continue or how do we make any progress at all?

The Hon. R. C. DeGARIS: I think the Minister of Lands has adopted a remarkable tactic on this amendment. This provision exists in Local Government Acts throughout Australia, to the effect that a local government body can conduct a trading business but it is specifically provided that it shall not conduct that trading business with a view to making a profit. We do not want what is happening now to continue to happen. For instance, the Highways Department has bought land at $5 000 or $6 000 a block, and after holding on to it, is putting it on the open market, and is getting $13 000 or $14 000 a block, having invested nothing in its development.

The Hon. D. H. L. Banfield: Do you think that the department should sell it to private enterprise so that it could make a profit on it?

The Hon. R. C. DeGARIS: I am not saying that at all. The reason for the current shortage of blocks of land is, to some degree, the Government's attitude. I am not saying it is the total reason, but the Government is constantly saying it is someone else's fault. However, it has contributed to the present position. I can produce evidence of departments saying, "We are holding on to this land waiting for an escalation in price."

The Hon. A. F. Kneebone: How long ago was that?

The Hon. R. C. DeGARIS: I do not know, but we are anxious here to prevent that happening. This Committee should insert that protection in the Bill. We do not want the Government to capitalize, as has been happening recently, on the escalating of land prices for its own ends. The commission must conduct its business with a view to not exploiting the public. Surely the Minister can accept this amendment. There is no need to define "large financial resources", because that will be the primary object. The wording is on very broad principles—"The commission shall conduct its business in accordance with established principles." At least we have some idea of what the Hon. Mr. Hill's amendment means.

The Hon. D. H. L. Banfield: He has not told us what "large financial resources" means.

The Hon. C. M. HILL: To give an example of what may happen if the second proposal is ultimately incorporated in this legislation, if the commission purchases broad acres, subdivides the land into, say, 100 allotments, and places the land on the market at a price that is at or around the total cost price, including interest and its outgoings of all kinds, and if there are 120 applicants for those 100 allotments, it needs only an officer of the commission to obtain from each applicant a broad form of balance sheet of his financial affairs. After all, that is done every day of the week by bankers, and finance companies, on applications for loans. This provision would be met if 100 people with the smallest means were given the first option to proceed to purchase. That is the kind of thing the Government should do.

The good faith and sincerity of the Government must come under serious challenge if it rejects this amendment. If the Government cannot back up in theory and in good faith the view that it is trying to assist people with low-priced land and the little people who are in the market for land and who cannot buy land at present because of market conditions and if the Government will not stand by those people and accept this amendment, what is the Government's real object in respect of this Bill?

The Hon. D. H. L. Banfield: You would be the first to complain if the Government asked you for a balance sheet when you went to buy a block of land. You would say, "Look at Big Brother coming along! He wants to know all my business."

The Hon. C. M. HILL: I never mentioned "Big Brother" at all when applicants have applied to the Housing Trust for houses.

The Hon. D. H. L. Banfield: You are saying now—

The CHAIRMAN: Order!

The Hon. C. M. HILL: We are trying to help the little people. If the Minister is not interested in those people and wants to join the Minister of Lands in his attitude, which seems to be to oppose everything, Government members of this Chamber have been told, "Oppose everything", and they have.

The Hon. D. H. L. Banfield: That is not so—

The CHAIRMAN: Order! I warn the Minister that he has the opportunity to speak. I will not allow continued interruptions. The Hon. Mr. Hill.

The Hon. C. M. HILL: Government members have been told, "Oppose everything; we will keep the advertisements going and we will whip up public opinion with the taxpayers' money." Those are the Government's tactics. If the Government cannot accept these two principles, broad as they are, in these two amendments, it is not acting in good faith with this Bill.

The Hon. A. J. SHARD: I want to give the lie direct to what the Hon. Mr. Hill has said about Government members being directed to oppose everything. The Premier, Cabinet Ministers or Caucus have not directed us on this matter. The position that has developed is a result of what has happened over a number of years. When amendments were unacceptable to the Government and we were forced to a conference, we opposed them entirely. That is my attitude today. If honourable members care to look at the record, they will find that Bills that we were able to support we supported altogether. Our attitude to this Bill is exactly the same. We have had no directions, either officially or unofficially, and no Cabinet Minister has told me what to do about this Bill. There has been no Caucus decision or anything of that kind. I do not take exception to what has happened today because many things have been said that were not really meant. For instance, I do not think that the Hon. Mr. Hill meant it when he said that we had received directions. No directions have been issued to us. We will follow the same course on this Bill as we have on other occasions.

The Hon. R. C. DeGaris: You have had no directions on this Bill?

The Hon. A. J. SHARD: No. I have no directions at all.

The Hon. A. F. KNEEBONE: Of course, tactics are tactics. If some amendments eventually went to a conference between the two Houses, as we have seen in the past, when the Leader has done some horse trading, some agreement or compromise could be reached.

The Hon. R. C. DeGaris: Are you implying that the Government may accept this amendment?

The Hon. A. F. KNEEBONE: No; I am not saying that at all. I am just indicating the tactics we may follow. In relation to this clause I could probably agree to accept the amendment, but for the reasons I have expressed I contend that there is no need for the statements that have been made which suggest that we are forgetting our directions. I have not taken any of these amendments to Caucus or to Cabinet. True, I have asked for advice from departmental officers in relation to the amendments, and I have quoted their thoughts in some places and have used my judgment in others. We have not been directed on whether we should accept amendments or not.

Amendments carried.

The Hon. C. M. HILL: I move to insert the following new subclause:

(4) The commission shall not lease any land of less than one-fifth of a hectare in area.

An area of one-fifth of a hectare is about half an acre. The purpose of this amendment is to prevent the commission leasing land for home building purposes. The amendment does not restrict plans by the commission to lease property that might be of a commercial or industrial nature, if the commission was to enter that market. I know that the Housing Trust leases commercial and industrial property under certain arrangements.

The arguments for leasehold as against freehold were fully canvassed during the second reading debate, and I do not intend to go through them again. If this question were put to the people of South Australia I believe they would heavily favour freehold titles.

The Hon. R. C. DeGaris: The evidence in Canberra shows that the leasehold system favours the wealthy.

The Hon. C. M. HILL: Yes; and the price of houses and land in Canberra is exceedingly high, so that system has not helped there. The servicing of leasehold properties costs much money because staff must be employed to show that leasehold transfers have been effected. Records have to be kept, for instance, to show whether encumbrances exist on leasehold titles. We then come to the objective of keeping the costs of the commission down so that land can be offered at lower prices. For this purpose the cost of servicing leasehold properties must be borne in mind.

Another issue is that Parliament should be told what the provisions of leasehold titles are to be, what the terms of the lease will be and what the ground rents of leases will be. Parliament should be told, too, whether there will be any restrictions on the sale of houses that are built on leasehold title property. Such restrictions might refer to prices or the profit that is allowed and might cause a purchaser to offer the house back to the commission thus giving the commission the first right of refusal. All kinds of encumbrances could be placed on these titles.

Surely, if Parliament is to pass the Bill as it stands to allow leasehold (and the Minister has said that that is the intention and also that the Government will ensure that the value as security will not be affected) we should be told some of the answers to those questions. How, for example, will the Minister ensure that the security is not going to be affected in the case of a house where there is 20 years of a lease to go and where there is a house on the land that has 50 years life left in it? In that case the owner will have to find a buyer who has cash and who values the property over a 20-year span, or he will have to sell to someone who can borrow for 20 years or less.

At present there are in the market purchasers for houses who need mortgages for longer periods than that. These are some of the restrictions that apply. The Minister, in his second reading speech, said that he would ensure that none of these problems would occur. Does the Government intend to write into the leases that it have the right to extend the period of the lease? Surely before we agree to this system that information should be provided? More important than that is the principle involved in the acceptance of freehold titles by South Australians who, in my view, will always seek that system in preference to leasehold. Under these circumstances, why is the Government proceeding with its leasehold plan? For the points I have made I move the amendment.

The Hon. A. F. KNEEBONE: From time to time it will be necessary to acquire land, which includes improvements thereon such as a house. Without considering leasehold tenure, this amendment will deny the commission the right to lease back the house for a period prior to its development. This amendment negates one that the Hon. Mr. Geddes has on the file at present. The Hon. Mr. Hill has been talking about leasehold; a decision has not yet been made whether the Government will go into leasehold. I have spoken about leasehold and what will happen if we do go into it, but no decision has been made. We are awaiting a report from a committee of inquiry set up by the Commonwealth which is investigating leasehold as against some other types of landholding. We want to have a look at what comes out of that inquiry before we make a decision; that is why the Bill was drafted in its present form.

The Hon. R. C. DeGaris: Then, why was leasehold referred to in the way it was?

The Hon. A. F. KNEEBONE: I cannot answer that. A final decision has not been made. I have had great experience of leasehold through the Lands Department. About 80 per cent of agricultural country in this State is leasehold, and I would like to see some honourable members opposite try to force freehold on someone who has a perpetual lease, for which he pays virtually nothing. So, some people support the leasehold system and some support the freehold system, but it is not a one-way traffic. In buying broad acres and forming a land bank we may find that a small freehold property, on which one house is built, is near the area of broad acres. The amendment would block us from leasing it back to the person.

The Hon. B. A. CHATTERTON: I oppose the amendment. The freehold rights that existed at one time are in four basic groups. The first right is the right to use and enjoy the land; this is now subject to building regulations, zoning regulations, and easements by public authorities. So, that right is no longer an absolute right. The second right is the right to rent the land for a specified time; this is now subject to rent control and various regulations concerning landlord and tenant relationships. The third right is the right to subdivide land; this is subject to planning regulations and zoning regulations of councils. The fourth right is the right to transfer the land by sale or gift; this is subject to compulsory purchase powers. The essential issue is whether the State should continue to confer private property rights on new urban land and effectively restrict these rights by regulation.

Also, it is important to consider whether it is desirable to have the various Government departments imposing their separate and, unfortunately, sometimes unco-ordinated views on land use through regulations, price controls, and property taxes. This is where the leasehold system comes in, because it gives us the opportunity to provide a clear and simple set of conditions for prospective home owners in regard to all these things. A leasehold system can be described as a positive land tenure system designed to co-ordinate development and avoid conflict with the landholder's rights and obligations explicitly stated in the contract.

The Hon. Sir ARTHUR RYMILL: If the Hon. Mr. Chatterton wants to deal with the sort of subject he has been dealing with, he should go a little more deeply into it, because there never has been in the history of civilized times any absolute ownership of land; it has always been subject to certain controls. In fact, the greatest interest in land that one can own is a fee simple; even that, of course, does not mean that one has the absolute ownership, because the land remains vested in the Crown, and the fee simple is only an interest in the land. In the time of King Henry VIII there was a window tax on land. So, what the Hon. Mr. Chatterton has said is quite right, but there is nothing new about it whatever.

I prefer the freehold system, and I think that 95 per cent of the population would prefer that system of land tenure. However, leasehold is appropriate in certain circumstances, and the Minister made a telling point in connection with the situation he picked out to show a fallacy in the amendment. I was not going to support the amendment anyhow, because the Bill gives the commission power to grant leaseholds, and I cannot see why that should be limited to land with an area of more than one-fifth of a hectare. In principle, I cannot see any difference. I see what the Hon. Mr. Hill is aiming at, but I am afraid I cannot agree with him on this, and this is one of those cases where we must allow the commission to introduce the principles either that it wants to introduce or that the Government wants to introduce. The Government is aiming at making Monarto all leasehold, as has happened in Canberra and Darwin.

The Hon. R. C. DeGaris: Monarto is dealt with in a separate Bill.

The Hon. Sir ARTHUR RYMILL: I realize that. It is a socialistic policy and, of course, we have a Socialist Government. As the Minister has pointed out, there are other implications in making a sweeping amendment like this that do not line up in certain respects. Therefore, I do not intend to support the amendment.

The Hon. C. M. HILL: Monarto must be looked at as a separate proposition. It is one of the new growth areas established by syndication between the Commonwealth Government and the State Government; Albury-Wodonga is in the same category.

The Hon. Sir Arthur Rymill: This Bill refers to new urban areas.

The Hon. C. M. HILL: At present I am not debating the question of the Government setting up an entirely new city as a growth area and therein applying its own kind of title ownership. I am concerned about metropolitan Adelaide in which, to the best of my knowledge, there is

no leaseholding of this kind, although there may be one or two long-term private leases. Monarto is a separate proposition altogether. The Minister said, in his second reading explanation, that serviced home sites would be made available to the public on a leasehold basis, and the fee simple of the land would remain in the commission, yet today he said that the Government was not sure whether it would do that. If the Minister admits to an error such as that, surely all that he said in his second reading explanation must come under close scrutiny.

The Minister has also said that he knows many people who are happy with the leases with which he deals; but they may be entirely different from the leases that come out of the pot when this mix is boiled. The leases with which the Minister deals have the Crown as the lessor, whereas the lessor in these cases will be not the Crown but the commission, which will hold the freehold. There is a vast difference between a perpetual lease or any other lease with which the Minister's department is concerned and leases let out not by the Lands Department but by the new brain child that will emerge from this Bill. He said that the commission might wish to buy and hold houses for letting purposes.

The Hon. A. F. Kneebone: That's not so.

The Hon. C. M. HILL: The Minister said that the commission may buy property—

The Hon. A. F. Kneebone: Broad acres.

The Hon. C. M. HILL: —on which there is a house and that, if the property went into the land bank, it could be leased.

The Hon. A. F. Kneebone: You are off the beam still.

The Hon. C. M. HILL: If the property went into the land bank while in broad acre form, it could be leased under the provisions of the amendment. It would be only when the property was finally subdivided that it would be caught up in this proposition, and a freehold title in lieu of a lease would have to be given. For a farmhouse at least one-half an acre (·2 ha) is required, because it is set back usually on a prime site within the farm, and usually there are outbuildings and gardens on it. Even if that circumstance does not apply, the Minister has only to see to it that the house, even temporarily, is on a half-acre title. He could put two allotments under the one title, and two one-quarter (·1 ha) acre allotments total half an acre. He could get around the point he used in the argument. If the people of South Australia (and surely their views must be considered deeply by any Government at any time) were asked their opinion regarding metropolitan Adelaide I am sure they would say, "We want freehold." Because of that, they should have freehold. I ask the Government to reconsider this matter.

The Hon. G. J. GILFILLAN: If the amendment does not entirely achieve what it seeks to achieve, it could be improved. The Bill changes an accepted method of land tenure within the metropolitan area. Although a large portion of the State is held under lease, it is, in the main, outside the closely settled areas. People have accepted freehold tenure in good faith for a long time. The Minister's second reading explanation was vague, and it is obvious from the debate in Committee that the Government does not know what its intentions are. It is asking for a wide principle to be adopted by Parliament without our knowing the details of what the Government intends to do. In the main, people with perpetual leases do not wish to have freehold leases.

The Hon. R. C. DeGaris: Only because of the cost involved.

The Hon. G. J. GILFILLAN: Not only that, but when perpetual leases were on our Statute Book some years ago there was a limitation on the acreage that could be owned and the sum of money involved, and this limited the lease on the open market. However, since the restrictions have been removed, perpetual leases are just as valuable as is freehold land, because there is no restriction on the purchase or sale of them. The rental is fixed in perpetuity, but there is nothing in the suggested type of lease to indicate whether it will have some form of permanency, whether the rental will be fixed in perpetuity, or whether it will be reviewed periodically. It is an unknown quantity.

The Hon. A. F. Kneebone: It won't be when people apply for them.

The Hon. G. J. GILFILLAN: That is a long way ahead. We are dealing with the machinery of the Bill without having precise knowledge. The other extreme is the annual licence, about which many shack owners are now perturbed. The average person, particularly in the lower-income bracket, accepts much legislation and many procedures as being normal. Many shack owners have accepted the conditions of the annual lease because, when they had seen that other shacks had been standing for 40 or more years with the same lease, they thought that their lease would have some permanency. People accept existing conditions, and it is often a shock to them to find that a lease offers such an insecure tenure. Unfortunately, the system of leasing has not been spelled out in detail. I accept the amendment.

The Hon. R. C. DeGARIS: I support the amendment, and I see no conflict between it and the one the Hon. Mr. Geddes has placed on file. If a large block of land with a farmhouse on it is acquired, under the Hon. Mr. Geddes' amendment (if there is to be any lease of that area pending development), the owner must be given the right to purchase the property. When it comes to the actual development, it is a different matter. If the argument can be taken as far as the Minister took it, I am certain that the Hon. Mr. Hill's explanation would cover the matter. The Hon. Mr. Gilfillan's point regarding perpetual leases is also valid. I believe that most people would prefer their land to be freehold and, indeed, that they would make it freehold if the department took a more realistic attitude regarding the sum to be paid: I know of one case where a man paying an annual rent of only about $5 was asked by the department to pay about $2 000 to have the property freeholded. It did not pay him to do this.

The Hon. A. J. Shard: It couldn't have been worth much if it did not pay him to do it. For how many years was he paying $5 rent for it?

The Hon. R. C. DeGARIS: The Hon. Sir Arthur Rymill was talking about general matters of financial management, and so on. I should have thought that, if the Government could get capitalization of a perpetual lease rental of about 4 per cent a year, it would be good business. Surely it would be better for the Government to get, say, $200 in cash than to receive $5 a year in perpetuity.

The Hon. A. J. Shard: What's the real value of the property? That's the point.

The Hon. R. C. DeGARIS: I do not think that has anything to do with it. Regarding the leaseholding of properties, the Government is being given wide powers to control development. A lease can be issued for a certain purpose only: the commission will have this power. I refer also to the lease auction system which obtains in the Northern Territory and in Canberra and which has clearly been of advantage to the wealthy. It has not been of advantage to the ordinary people.

The Hon. A. F. Kneebone: That is a virtual freehold.

The Hon. R. C. DeGARIS: It is not; the land is sold as leasehold, the lease containing a provision that the land can be used for a certain purpose only. It cannot be used for any other purpose, nor will any other lease be issued. There is no argument that that land should not be issued as freehold property.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill (teller), F. J. Potter, V. G. Springett, and C. R. Story.

Noes (7)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), Sir Arthur Rymill, and A. J. Shard.

Majority of 3 for the Ayes.

Amendment thus carried.

The Hon. R. A. GEDDES: I move to insert the following new subclause:

(5) Where the Commission acquires land in pursuance of this Act and proposes to lease the land before it is developed for urban expansion or use, it shall offer the person from whom the land was acquired the opportunity to lease the land on fair terms.

My amendment is simple and, I believe, just. Where primary producing land or broad hectares are acquired for future expansion and the commission knows that it will be unable to develop that land for a year or more, the person whose land is being acquired will, under the amendment, be able to lease it from the commission on fair terms during the interim period, as a farmer or whatever his occupation of it may be. That has no relationship to the Hon. Mr. Hill's amendment, which we have passed and which the Hon. Mr. DeGaris forcefully explained to the Committee. The operative words are "before the land is developed for urban expansion". This right should be given to the previous owner.

The Hon. A. F. KNEEBONE: There is a conflict between this amendment and the Hon. Mr. Hill's amendment, which we have passed. If it happens to be less than ½ ha, it cannot be leased back.

The Hon. R. A. GEDDES: My wish is that the land, before development for urban expansion, can be leased. Anything under ½ ha is controlled, as the Committee has agreed should happen. The Minister's point may be that this amendment would be better if "broad hectares" were written into it, but I have no intention of doing that now. It is for the Committee to decide whether or not it is a reasonable amendment, but it is meant for broad hectares. If a person is making a living off the land that has been acquired, how can that occur on unimproved land of less than ½ ha?

The Hon. A. F. KNEEBONE: The honourable member is now explaining that he means "rural occupation". However, there is nothing in the amendment to show that it is rural occupation: it could be for any purpose. If the commission was of the opinion that the use of the land previous to development was not in the best interests of the development of that area, it could not offer the lease to anyone else: it must offer it to the person who had the land beforehand, irrespective of its occupation or what he wanted to use it for. For that reason I oppose the amendment.

The Hon. R. A. GEDDES: The commission acquires land on which a man's livelihood depends or on which he is living in a house. The commission wants to acquire knowing full well it will not be doing anything with that land for some years. Is it not fair and reasonable that the commission shall be instructed to offer the lease of that land or that property first to the owner, or should that person be ordered from his property? If there was a capricious reason given to the commission—say, a "jobs for the boys" type of problem arising—

The Hon. A. J. Shard: Your Party did a very good job for the boys in Victoria today.

The Hon. R. A. GEDDES: But we are not in Victoria; we are inquiring about the future of a remarkable Bill that has many problems associated with it. I cannot agree with the Minister's argument. I leave it at that.

Amendment carried.

The Hon. R. C. DeGARIS: I move to insert the following new subclause:

(6) The commission shall not acquire by compulsory process—

(*a*) any dwellinghouse that is occupied by the owner as his principal place of residence;

(*b*) any factory, workshop, warehouse, shop or other premises used for industrial or commercial purposes;

or

(*c*) any premises used as an office or rooms for the conduct of any business or profession.

The Government may well support me in this amendment. I base that assumption on the advertisement inserted in the newspaper, at the taxpayers' expense, to explain what the Government intends to do. I will read to the Committee what the public has been told is the Government's intention. It is as follows:

A Bill now before Parliament will establish the South Australian Land Commission. The land commission will buy undeveloped land (broad acres) in advance of Adelaide's needs so that the demand for residential land will always be met and prices stabilized. The acquisitional powers sought for the commission will only be exercisable through the existing Land Acquisition Act, which strongly protects the rights of the property owner.

As regards the second part of that advertisement, I have already illustrated to the Committee that the Land Acquisition Act does not strongly protect the rights of the owners. In the hands of this Government, it has been used in excess of the intentions of that Act. As regards the first part of what I have just read out, I cannot see how the Government can oppose this amendment. It is right in line with the stated intention in the advertisement that appeared in the press directed to the people of South Australia. Without this protection, this Bill would allow the commission to acquire what is referred to in paragraphs (*a*), (*b*) and (*c*). For example, the commission could acquire a development area that it suited the Government to acquire for purposes other than the intention stated in the press advertisement. What would happen in the case of Queenstown, for example? If an industrial organization bought 50 acres (20·23 ha) for future expansion and had its factory on one acre (·4 ha), the Government, under the Bill, could acquire that land. No industrialist could ever feel free with that sword of Damocles hanging over his head. I think that, as the amendment is in line with the Government's stated intention, it should support it.

The Hon. B. A. CHATTERTON: How would a dwellinghouse be treated on a farm that the commission bought? Under the amendment, the commission could not buy the dwellinghouse. Therefore, the commission would be hampered in its planning. On any site purchased by the commission, such a dwellinghouse would stick out in the middle of the developed area.

The Hon. R. C. DeGARIS: This could still be negotiated. If a person wants to continue living in his house, he should have the right to do so. Under the Bill, the commission has power to acquire broad acres, but a person should have the right to say that his dwellinghouse will not be acquired. Under the Bill, the commission has wide

powers, with no right of appeal as yet, so I think my amendment is reasonable, as it will afford to a person the right to retain his ownership of a dwellinghouse.

The Hon. A. F. KNEEBONE: I do not think the Hon. Mr. Hill would support this amendment.

The Hon. C. M. Hill: You could be wrong.

The Hon. A. F. KNEEBONE: Previous Liberal Governments developed many roads. Even that would not have been possible if there had been no power to acquire dwellinghouses compulsorily. Under the amendment, a dwellinghouse could not be acquired in any circumstances. Cases have occurred where people have refused to move. There must be the power of compulsory acquisition, and then people can appeal to the court. The Hon. Mr. DeGaris has referred to a case in which people were not aware of their rights, and that is unfortunate.

The Hon. R. C. DeGaris: The Ombudsman referred to it, too.

The Hon. A. F. KNEEBONE: People have a right under the Land Acquisition Act to appeal against compulsory acquisition.

The Hon. R. C. DeGARIS: The Minister has not grasped the point. If a dwellinghouse, for example, is acquired for the purpose of building a road, that can be done under the Land Acquisition Act. Under that Act, restrictions apply, but there are no restricitons on this commission.

The Hon. A. F. Kneebone: Except that it goes through the Land Acquisition Act.

The Hon. R. C. DeGARIS: Yes, but under that Act the acquisition must be for a specific purpose, such as road widening, and so on. Under this Bill, the provision is so wide that the commission can acquire for any purpose it likes.

The Hon. A. F. Kneebone: Clause 12 says that it can do this under the Land Acquisition Act.

The Hon. R. C. DeGARIS: Subclause (2)(a) states:

acquire, in accordance with the provisions of the Land Acquisition Act, 1969-1972, such land as the commission considers necessary or expedient for the effective performance of its functions:

In relation to acquisition under the Land Acquisition Act, a specific purpose must be stated. Under the Bill, the power is so wide that the commission could acquire any dwellinghouse, factory, or workshop. I refer again to the Queenstown development. The commission could step in and acquire that site, cutting across a Supreme Court action. I can remember the Premier recently saying that the whole basis of our society rests on the rule of law, but there is no rule of law about this. The Government's advertisement stated that the Government wanted to buy undeveloped land. Under my amendment, the commission will have power to do that, but it will not have power to acquire compulsorily dwellinghouses, factories, and so on. If such premises were needed for the purposes of the Highways Department or another department, the powers of the Land Acquisition Act could be used.

The Hon. A. F. KNEEBONE: In the second reading debate, members opposite said that it was important to provide more residential sites, but they are now attaching all sorts of strings to this system we have put forward. The Hon. Mr. DeGaris did not answer the point made by the Hon. Mr. Chatterton about a dwellinghouse situated in the centre of broad acres. It would not be possible to acquire the house compulsorily, no matter how long the person remained in the house.

The Hon. F. J. Potter: The commission could not acquire the house but the Highways Department could.

The Hon. A. F. KNEEBONE: What about open space areas, schools, hospitals, and shopping centres? What if there was a house in the middle of an area intended for a shopping centre and what if the house could not be compulsorily acquired? A person might stay there until he got six times or seven times the value of the house. This would be only frustrating the commission.

The Hon. R. C. DeGARIS: If a person has the right to continue living in his house, that frustrates a shopping development! We have reached a pretty pass! Here is this commission, which will acquire all these thousands of broad acres for urban development, and someone who wants to continue living in his house will frustrate the whole of the concept! I have never heard of anything so ridiculous.

The Hon. G. J. GILFILLAN: I believe we are getting down to trivial things now, in view of the scope of the projects contemplated. Many houses in the metropolitan area were acquired privately in order to make possible the development of shopping centres. I cannot see that one or two houses in an area intended for a shopping centre could in any way endanger a large development scheme. There are provisions in various Acts providing for schools and other public purposes; in such cases a notice of intent can virtually freeze prices. The power is already available in connection with land acquisition for roads. It is begging the question to consider at present whether to permit a person to keep his house or pay him generous compensation.

The Hon. A. F. KNEEBONE: No-one said that the person should not get fair compensation. If the amendment is carried, many developments will be held up.

Amendment carried; clause as amended passed.

New clause 12a—"Appeal."

The Hon. R. C. DeGARIS: I move to insert the following new clause:

12a. (1) A person who has an interest in any land that the Commission proposes to acquire under this Act may appeal against the proposed acquisition to the Land and Valuation Court.

(2) An appeal under this section may be commenced at any time after the appellant has received notice of the proposed acquisition whether or not a notice of intention to acquire the land has been served upon him pursuant to the Land Acquisition Act, 1969-1972.

(3) An appeal shall not be instituted under this section by any person after the expiration of three months from the day on which a notice of intention to acquire land is served upon him, pursuant to the Land Acquisition Act, 1969-1972.

(4) Upon the hearing of an appeal under this section, the Land and Valuation Court may declare:

(*a*) that the proposed acquisition of the land would be unjust or unfair to the appellant;

(*b*) that the land that the Commission proposes to acquire is necessary for the purpose of an industrial or commercial scheme of development that the appellant has commenced or has in contemplation and that the acquisition of the land would prejudice that scheme;

(*c*) that the proposed acquisition of the land would cause hardship to the appellant;

(*d*) that the proposed acquisition of the land is not necessary;

or

(*e*) that the acquisition of the land is not within the powers of the Commission under this Act.

(5) The Land and Valuation Court may make such orders as to costs on an appeal under this section as it thinks just.

(6) No notice of acquisition shall be published under the Land Acquisition Act, 1969-1972, in respect of land—

(*a*) in relation to which an appeal has been instituted under this section and has not been determined;

or

(*b*) in relation to which a declaration has been made by the Land and Valuation Court under this section.

(7) For the purpose of any time limitation prescribed by or under the Land Acquisition Act, 1969-1972, any time between the commencement and determination of an appeal under this section shall not be taken to account.

This is probably my main amendment. I have dealt with the definition in relation to the Land and Valuation Court. I consider it necessary to have an appeal court, and I do not see how the Government can oppose allowing a person whose property is being acquired to have the right of appeal against that acquisition. I have pointed out that the Fijian Constitution provides that a person there whose land is acquired has a right of appeal to the court against the acquisition, on the ground that the acquisition is unjust or unfair. That is the main import of the amendment. I realize that, under the Land Acquisition Act, a person may appeal in relation to price, but there is no provision in this Bill for appeal.

To protect certain people against what can be unjust or unfair acquisition, an appeal should lie, on those grounds, to the Land and Valuation Court. I have said that no person, whether a retailer, an industrialist, or even a person owning a dwellinghouse in Adelaide, has any protection against the acquisition. This commission could compulsorily acquire land to avoid legal action. It could interfere with the normal course of justice. Under the Fijian Constitution, the Government must show not only that the acquisition is fair and just but also that the land being taken is the best land available for the purpose for which the Government requires it. I have not gone that far in this new clause, but that is also a protection of the rights of the individual. People can be selected by the commission to have their land acquired. Under the Bill as drafted, no person will have any right of appeal to any court on whether it was a fair or reasonable acquisition. The new clause is perfectly reasonable, because it allows an ordinary person in the community to appeal when his property is being acquired by the commission. I hope the Government will consider allowing some appeal by the individual against an acquisition the commission might make. Even under the limitation contained in the Land Acquisition Act, the Government has acted beyond what is fair, reasonable and just, and in this Bill there is an even greater need to build in a protection than there was in the Land Acquisition Act.

The Hon. A. F. KNEEBONE: I oppose the new clause, because I cannot see how the commission could acquire any land if it were passed. In addition to providing appeals to the Land and Valuation Court, the new clause lays down how the court will deal with the appeal.

The Hon. R. C. DeGaris: That's normal.

The Hon. A. F. KNEEBONE: After studying the grounds of appeal, I cannot see how the Land Commission would get off the ground.

The Hon. R. C. DeGaris: Why not?

The Hon. A. F. KNEEBONE: Because of the conditions the Leader has laid down.

The Hon. R. C. DeGaris: Do you mean to say that the commission wants to acquire unfairly?

The Hon. A. F. KNEEBONE: There are conditions other than that one.

The Hon. R. C. DeGaris: What are they?

The Hon. A. F. KNEEBONE: One is that the proposed acquisition of land would cause hardship to the appellant. How does one prove a hardship? Another is that the proposed acquisition of land is not necessary. Who decides that?

The Hon. R. C. DeGaris: The court.

The Hon. A. F. KNEEBONE: As it would be difficult for the commission to argue against the new clause, and as I think it is about the last straw, I oppose it.

The Hon. R. C. DeGARIS: Does the Minister agree to having appeals on the ground that the acquisition of the land would be unjust or unfair?

The Hon. A. F. Kneebone: How does one prove that?

The Hon. R. C. DeGARIS: The court would decide. The court has already decided on the meaning of "substantially" and "reasonably", which are used widely in legislation. In the Fijian Constitution, the court has determined the meaning of "unfair" in relation to land acquisition. The court would decide in the interests of the individual and the Government, and would balance both issues. I am willing to do what I can to see that an appeal provision is built in. I do not think that the Minister could honestly disagree, on the facts I have put before him regarding other acquisitions under an Act which (as the Government has said in its advertisement) strongly protects the rights of the property owner from acquisition under existing legislation. What the Government has done there surely must convince the Minister that any Government must have some check and balance placed on it when dealing with the compulsory acquisition of people's property. Can the Minister of Lands say what he will accept as a ground of appeal against the massive bureaucracy? What ground of appeal would he regard as fair and just in relation to the acquisition of a person's property by the commission?

The Hon. A. F. KNEEBONE: Many grounds of appeal are available, but before the appeal is made negotiations may proceed. It seems to me that the honourable member is trying to delay the Bill.

The Hon. R. C. DeGARIS: That is not so, and the allegations that have been made by the Premier were unfair and unjust.

The Hon. A. F. Kneebone: If a person lost an appeal on one ground he might appeal on another ground.

The Hon. R. C. DeGARIS: I understand that once the appeal was lodged it would be on all grounds, and once it was heard that would be the end of it. However, I am still awaiting a reply from the Minister about what he considers fair and reasonable grounds for an appeal.

The Hon. A. F. Kneebone: I do not have the right to make that decision.

The Committee divided on the new clause:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, and C. R. Story.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 5 for the Ayes.

New clause thus inserted.

Clauses 13 to 19 passed.

Clause 20—"Powers of entry, etc."

The Hon. F. J. POTTER moved to insert the following new subclause:

(1a) A person shall not enter upon any land under this section unless he has given reasonable notice of his intention to do so to the occupier of the land.

Amendment carried.

The Hon. F. J. POTTER: I move to insert the following new subclauses:

(2a) The commission shall be liable to pay to the owner of any estate or interest in land that has been entered in pursuance of this section compensation for any damage

or disturbance caused by the entry or by any survey, test or examination conducted on the land in pursuance of this section.

(2b) The Land and Valuation Court may, upon the application of any interested person, assess and order payment of compensation for which the commission is liable under subsection (2a) of this section.

This clause deals with the powers of entry by officers of the commission on to any land at all for the purposes of conducting tests, surveys, etc., with the view to possible acquisition by the commission. I think it is essential in these circumstances that some provision should be made, first, for reasonable notice to be given to the occupier of the land of the intention to carry out inspections and tests; and, secondly, if those inspections or tests cause some danger or disturbance to the owner or occupier of the land, some compensation should be paid to him accordingly. It may be necessary, for instance, for holes to be dug or drilled.

The Hon. A. F. KNEEBONE: I have no strong objection to the new subclauses.

Amendments carried; clause as amended passed.

Suggested new clause 20a—"Rights of person interested in land where the land is subject to proposed acquisition."

The Hon. R. C. DeGARIS: I move to insert the following suggested new clause:

20a. (1) For the purposes of this section, land is subject to acquisition where—

(*a*) any notice, letter or other document has been given or sent to a person interested in the land by or on behalf of the Minister or the commission stating that the land will be, or may be, acquired under this Act;

(*b*) any statement is made in a newspaper, journal, periodical, or by radio or television, by or on behalf of the Minister or the commission stating that the land will be, or may be, acquired under this Act;

or

(*c*) any other public statement or report (including a report to Parliament) is made by or on behalf of the Minister or the commission stating that the land will be, or may be, acquired under this Act.

(2) The owner of any land subject to acquisition may give notice in writing to the Minister of his intention to sell the land.

(3) The person by whom a notice is given under subsection (2) of this section may within six months after giving that notice sell the land by public auction.

(4) A person who proposes to sell his land in pursuance of this section must give not less than seven days' notice in writing to the Minister of the date, time and place of the public auction at which the land is to be sold.

(5) A person who sells land in pursuance of this section must do so in good faith and must take all reasonable steps to obtain the best possible price for the land.

(6) Where land is sold in pursuance of this section at a lesser price than the vendor might reasonably have expected to receive, if the land had not been subject to acquisition, the vendor may apply to the Land and Valuation Court for compensation.

(7) Upon the hearing of an application under this section, the Land and Valuation Court may assess the difference between the price at which the land was sold and the price that the vendor might reasonably have expected to receive on sale of the land if it had not been subject to acquisition, and may order the Minister to pay to the applicant the amount so assessed as compensation.

This amendment deals, once again, with compensation and stems from the experience in relation to the acquisition of houses on land extending up to the new Flinders Medical Centre. The existing Land Acquisition Act contains certain limitations in regard to protecting the individual in this regard. A letter or notice, or some indication, is given that the Government intends at some time in the future to acquire certain land. Immediately that intention is made known, even if no official notice to treat is given, the free market for that land is destroyed by the Government stating an intention and there is no way in which that person can receive any compensation or force the Government to acquire, although the announcement of the Government has completely destroyed the equity he has in his land.

If I may go back to what happened in the acquisition of the houses for the Flinders Medical Centre, a letter was sent to people advising them that at some time in the future the Government intended compulsorily to acquire their properties. Those 31 houses were immediately placed in a vacuum, because they could not be sold, the only possible buyer being the Government. One person in that group was transferred to Victoria and he had his house up for sale. He went to a land agent, who said, "There is no market for these houses because the Government will acquire them at some time in the future." That person had spent about $18 500 on building his house, and the Government offered him $14 500. I do not know what he finally got, but that was the original offer. Such a position should not be tolerated, where the Government can, simply by announcing that at some time in the future it will acquire a property, destroy the market for that property and place a person in the worst possible bargaining position with the Government.

Under this amendment, a person has the right to apply to the Land and Valuation Court for such property to be acquired immediately at a price to be determined by the court. I was disturbed about the 31 houses acquired for the Flinders Medical Centre. It was not just or fair to the people concerned and caused them much anxiety. Where the Government makes an intention known or makes any statement that it may or will at some time in the future acquire a property, the person concerned should have the right immediately to apply for the Government to proceed with the acquisition straightaway and for compensation to be paid to him. That is the importance of the amendment. It applies only to the commission. I should have liked to see the Land Acquisition Act amended similarly. If the Government accepts this amendment, I hope that in the future it will amend the Land Acquisition Act to do what this advertisement in the newspaper that we have been referring to says—that the Land Acquisition Act strongly protects the property owner and his rights.

The Hon. A. P. KNEEBONE: I cannot accept this amendment. It is in line with the previous amendment that I opposed.

The Hon. B. A. CHATTERTON: Can the Hon. Mr. DeGaris say how far in the future this would apply? For example, the Land Commission might say that in the year 2000 Adelaide would have to extend beyond Gawler and it might even indicate in which direction. Under this amendment, would it then have to acquire all the land needed beyond Gawler, or would this apply only to certain time limits—say, 10 years, 15 years, or 20 years?

The Hon. R. C. DeGARIS: The amendment refers to the land that may be acquired. It applies to specific land held by specific people.

New clause inserted.

Clause 21 and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 12—"Powers and functions of the Commission"—reconsidered.

The Hon. SIR ARTHUR RYMILL: I move:

In subclause (1) (*a*) after "development" to insert "or"; and to strike out "or for other public purposes".

The words "or for other public purposes" give the commission a blank cheque. Land can be acquired under the Land Acquisition Act and under other legislation, all of which requires that the specific purpose for which the land is to be acquired shall be stated. In this paragraph, the reference is made to the acquisition of land for present or future urban expansion or development and for the establishment of new urban areas. If the Government wants to extend those reasons for acquisition, it must tell us.

The Hon. A. F. KNEEBONE: I oppose the amendment, which will further restrict the powers of the commission. In connection with the development of urban areas, there may be a need for other public purposes; for example, the development of recreation areas. I therefore oppose the amendment.

Amendment carried; clause as further amended passed.

Bill reported with further amendments. Committee's reports adopted.

POTATO MARKETING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 6.42 p.m. the Council adjourned until Tuesday, October 16, at 2.15 p.m.